

EXHIBIT 12

From: Pham, Christopher <CPham@fredlaw.com>
Sent: Tuesday, December 17, 2019 4:53 PM
To: Joe Dubis, Ph.D.; Allen Hinderaker; Heather Kliebenstein
Cc: Fleming, Terrence; '15081.0008USZA.active@ef.merchantgould.com'; Janus, Leah; Hokans, Christian
Subject: RE: Production of Business Rules Pursuant to June 4th Order

CAUTION - External.

Counsel,

Judge Schultz's June 4 Order states that "Federal must extract the repository files (.xml) and business object model files (JAE (JAVA Archive) files)." (The Court's reference to "JAE" appears to be a typographical error that should have stated "JAR").

Federal's Nov. 19, 2019 production includes the BOM/JAVA files for all repositories (except ADAPT and EZER). Please note, all of the BOM objects are in the JAVA source code format (human readable format). Accordingly, the Nov. 19 production complies with the second aspect of the Court's June 4 Order requiring extraction of "business object model files ([JAR] (JAVA Archive) files)." For FICO's ease of reference, please see below the location of each BOM/JAVA by business unit relating to the Nov. 19 production:

For Canada:

The actual Java code for the Business Object Model is located in the [referralBOM.zip](#) file under Files\Canada.zip\Canada\Referral\BOM.

For Commercial:

The actual Java code for the Business Object Model is located in the "Java BOM Objects" folder under Files\Commercial.zip\Commercial\Blaze Application\PVDS

For Financial Lines:

ARP1:

The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\ARP1\BOM.

ARP2:

The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\ARP2\ARP2 – BOM and in the CSI_ProcessPolicy.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\ARP2\ARP2 – BOM.

DBR:

The actual Java code for the Business Object Model is located in the CSI_Entity.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\DBR\BOM.

Decision Point:

For the "Risk FFP Eligibility" project The actual Java code for the Business Object Model is located in the CSI_ProcessEligibilityBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP Eligibility\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP Eligibility\BOM.

For the “Risk FFP Endorsement” project The actual Java code for the Business Object Model is located in the CSI_ProcessEndorsementBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP Endorsement\BOM

For the “Risk FFP PreAssessment” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP PreAssessment\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP PreAssessment\BOM.

For the “Risk FFP Pricing” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP Pricing\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK FFP Pricing\BOM.

For the “Risk NFP Eligibility” project The actual Java code for the Business Object Model is located in the CSI_ProcessEligibilityBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP Eligibility\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP Eligibility\BOM.

For the “Risk NFP Endorsement” project The actual Java code for the Business Object Model is located in the CSI_ProcessEndorsementBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP Endorsement\BOM

For the “Risk NFP PreAssessment” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP PreAssessment\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP PreAssessment\BOM.

For the “Risk NFP Pricing” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP Pricing\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK NFP Pricing\BOM.

For the “Risk Normalization” project The actual Java code for the Business Object Model is located in the CSI_ProcessNormalizationBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\RISK Normalization\BOM.

For the “Rule Service RSLV Eligibility” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Eligibility\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Eligibility\BOM.

For the “Rule Service RSLV Endorsement” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Endorsement\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Endorsement\BOM.

For the “Rule Service RSLV Normalization” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Normalization\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Normalization\BOM.

For the “Rule Service RSLV PreAssessment” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV PreAssessment\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV PreAssessment\BOM.

For the “Rule Service RSLV Pricing” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Pricing\BOM and in the CSI_ProcessWQBlaze.zip under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Decision Point\Rule Service RSLV Pricing\BOM.

PI:

For the “Model Execution” project The actual Java code for the Business Object Model is located in the CSI_ProcessPIScore.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Scoring Engine (PI)\Model Execution\BOM.

For the “Model Identification” project The actual Java code for the Business Object Model is located in the CSI_ProcessPIScore.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Scoring Engine (PI)\Model Identification\BOM.

For the “Policy Tier Evaluation” project The actual Java code for the Business Object Model is located in the CSI_ProcessBlaze.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Scoring Engine (PI)\Policy Tier Evaluation\BOM.

Underwriting Guidance:

For the “HC_DL” project The actual Java code for the Business Object Model is located in the UWG_BOM.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Underwriter Guidance\HC_DL\BOM.

For the “NFP_DL” project The actual Java code for the Business Object Model is located in the UWG_BOM.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Underwriter Guidance\NFP_DL\BOM.

For the “RSLV_RS_NAME_DL” project The actual Java code for the Business Object Model is located in the UWG_BOM.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Underwriter Guidance\RSLV_RS_NAME_DL\BOM.

For the “UWG_RMA_DL” project The actual Java code for the Business Object Model is located in the UWG_BOM.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Underwriter Guidance\UWG_RMA_DL\BOM.

For the “UWG2_DL” project The actual Java code for the Business Object Model is located in the UWG_BOM.zip file under Files\Financial [Lines.zip/Financial](#) Lines\Blaze Applications\Underwriter Guidance\UWG2_DL\BOM.

For Middle Market:

CUW:

The actual Java code for the Business Object Model is located in the [CUW-BOM.zip](#) file under Files\MiddleMarket.zip\MiddleMarket\CUW\CUW-IM_Java_BOM.

IRMA:

The actual Java code for the Business Object Model is located in the Java_IRMA-BOM.zip file under Files\MiddleMarket.zip\MiddleMarket\IRMA\IRMA_Java_BOM.

TAPS:

The actual Java code for the Business Object Model is located in the [TAPS-BOM.zip](#) file under Files\MiddleMarket.zip\MiddleMarket\TAPS\TAPS_Java_BOM.

On December 12, 2019, Federal produced to FICO a “sample production” of .xml files for the Commercial Underwriting Workstation (“CUW”) application, the purpose of which was for FICO to review and confirm that the files produced were indeed .xml files for the CUW application. Federal’s process for extracting the CUW .xml files were based on the instructions received from Mr. Hinderaker’s email dated Nov. 5, 2019 (“Exporting a Blaze Advisor Project to a .zip File”). FICO confirmed that the CUW files produced were .xml files. Accordingly, Federal proceeded to extract .xml files for the rest of the repositories, again following the instruction provided in Mr. Hinderaker’s Nov. 5, 2019 email.

In addition, Federal was able to locate the source code for the ADAPT application, and therefore, has also extracted the .xml and BOM/JAVA files. With respect to EZER, Federal was able to locate only portions of the source code, and therefore, because the source code was “broken” and incomplete, Federal is unable to extract and produce the .xml and BOM/JAVA files for the EZER application.

Accordingly, please find below the ShareFile link containing the .xml files for all applications, except for EZER, along with the BOM/JAVA files for ADAPT. Please let us know if you have any questions.

<https://fredriksonandbyron.sharefile.com/d-sc7727f9c6144d638>

Thanks,

Chris

From: Joe Dubis, Ph.D. <JDubis@MerchantGould.com>

Sent: Tuesday, December 17, 2019 1:17 PM

To: Fleming, Terrence <TFleming@fredlaw.com>; Pham, Christopher <CPham@fredlaw.com>; Janus, Leah <LJanus@fredlaw.com>; Hokans, Christian <CHokans@fredlaw.com>

Cc: Allen Hinderaker <AHinderaker@merchantgould.com>; Heather Kliebenstein <HKliebenstein@merchantgould.com>; '15081.0008USZA.active@ef.merchantgould.com' <15081.0008USZA.active@ef.merchantgould.com>

Subject: Production of Business Rules Pursuant to June 4th Order

[EXTERNAL E-MAIL]

Counsel,

I write regarding Federal’s continued efforts to produce its business rules in compliance with Judge Schultz’s June 4th Order. As you are aware, your production of rule project reports on November 19, 2019, did not comply with the Court’s Order. Your production on December 12, 2019, did not include the business object model files (.jar) and contained .xml files related to only the Commercial Underwriting Workstation (CUW) application.

As the business rules have yet to be produced in full, FICO thinks it is unfortunate that Federal chose to unilaterally cancel the call between the parties’ technical individuals on December 13, 2019. To ensure proper and complete production of the business rules, please refer to the Blaze Advisor instructions transmitted in Mr. Hinderaker’s email dated November 5, 2019. The instructions for exporting a Blaze Advisor rules project are found at pages 104-105 (“Exporting a Blaze Advisor Project to a .zip File”).

Please follow the instructions as written. If technical assistance is required, please contact us so that we may reschedule a call between the technical individuals for both parties. FICO interprets Mr. Pham’s email of December 12, 2019, to mean that Federal does not intend to produce the .xml and .jar files in the extracted zip file. Removing the .xml and .jar files from the extracted zipped folder removes the structure and linkages necessary to make the business rules usable. Judge Schultz ordered that the business rules be produced in FICO’s preferred method—the .xml and .jar files—as distinguished from the alternative rules reports, not that only .xml and .jar file types need be produced.

FICO expects a proper and complete production of the business rules to comply with the Court's June 4th Order. Any continued failure to produce the business rules will require FICO to seek enforcement from the Court, including potential sanctions.

Joe

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